



Attorney's Docket No. 033339/234602

APL/1645
PATENT
S. JWW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ind.: Cayuela et al.
Appl. No.: 09/856,969
Filed: August 1, 2001
For: SELECTION AND USES OF LACTIC ACID BACTERIA
STRAINS MODULATING NON-SPECIFIC IMMUNITY

Confirmation No.: 5142
Group Art Unit: 1645
Examiner: Jana A. Hines

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 1.191)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated May 7, 2004, rejecting the following Claims 1-6 and 10-12.

The fee for this Notice of Appeal under 37 CFR § 1.17(b) is enclosed.

Applicant claims small entity Status.

A check is enclosed.
(\$330.00 for large entity fee or \$165.00 if small entity status)

Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.

Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.

A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 10, 2004.

Janet E. Sherrill